



06-04-07

DEP &amp; REF

2201

2202

13

Atty. Dkt. No. 027668-0108

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fred H. MILLER

Title: MULTI-PHASE, MULTI-COMPARTMENT CAPSULAR DELIVERY APPARATUS AND METHODS FOR USING SAME

Appl. No.: 10/804,576

Filing Date: 3/19/2004

Examiner: Aradhana Sasan

Art Unit: 1609

Confirmation Number: 7069

ASSERTION OF SMALL ENTITY STATUS & REQUEST FOR REFUND

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

07/05/2007 MGE BREM1 00000027 10004576

01 FC:2201

02 FC:2202

03 FC:2253

100.00 OP

325.00 OP

510.00 OP

Sir:

Pursuant to 37 C.F.R. §1.27(c)(1), Applicants hereby assert entitlement to small entity status in the above-identified application.

Not more than three months ago, on Wednesday, May, 30, 2007, the undersigned authorized fees to be charged to the Deposit Account No. 19-0741 in the amount of \$1870.00 to cover the filing of an Amendment and Response to Restriction Requirement and the surcharge for late payment of said filing fees for this application at the large entity rate. Pursuant to 37 C.F.R. §1.28(a), Applicants hereby request a refund of \$935.00, which is 50% of the fee paid (i.e. the "excess amount"). Please credit this amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date

By

Adjustment date: 07/05/2007 MGE BREM1  
07/04/2007 TBESHAW1 00000027 10004576  
01 FC:1253

-1020.00 OP

FOLEY & LARDNER LLP  
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Adjustment date: 07/05/2007 MGE BREM1  
Martin J. Cosenza 007 TBESHAW1 00000027 10004576  
Attorney for Applicant  
Registration No: 88892

-650.00 OP  
-200.00 OP